



**OCTOBER 18 - 22, 2004  
ST. PAUL, MINNESOTA**

**James B. Loken, Chief Judge - Minneapolis, Minnesota**

**Circuit Judges in Active Service**

**Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND  
William Jay Riley - Omaha, NE  
Michael J. Melloy - Cedar Rapids, IA  
Lavenski R. Smith - Little Rock, AR  
Steven M. Colloton - Des Moines, IA  
Raymond W. Gruender - St. Louis, MO  
Duane Benton - Kansas City, MO**

**Circuit Judges Who Have Taken Senior Status**

**Donald P. Lay - St. Paul, MN  
Gerald W. Heaney - Duluth, MN  
Myron H. Bright - Fargo, ND  
Theodore McMillian - St. Louis, MO  
John R. Gibson - Kansas City, MO  
George G. Fagg - Des Moines, IA  
Pasco M. Bowman - Kansas City, MO  
Frank J. Magill - Fargo, ND  
C. Arlen Beam - Lincoln, NE  
David R. Hansen - Cedar Rapids, IA**

## NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

***Court will be held in the Warren E. Burger Federal Building at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.***

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans  
Clerk of Court

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***Revised: 10/8/04***

**DIVISION I**

**MONDAY, OCTOBER 18, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, BOWMAN, RILEY**

			<b>JAB</b>
	03-3907SI	United States v. John Adams Thropay	<b>NO ARG</b>
1.	03-1612MN	Bruce Robert Nelson v. Sheryl Ramstad Hvass	15
2.	03-2590MN	Randy Anderson v. United States	15
3.	02-4123	Vladimir Obleshchenko, et al. v. John Ashcroft, etc.	15
	02-4124	Mareko Molathwa v. John Ashcroft, etc.	<b>NO ARG</b>
	04-1593NI	United States v. Kody Harris	<b>NO ARG</b>
	04-1896NI	United States v. Wesley Eric Card	<b>NO ARG</b>

**BEFORE JUDGES RILEY, HEANEY, BOWMAN**

	03-3722EA	Terra International, Inc. v. Tommy F. Robinson, etc., et al.	<b>NO ARG</b>
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**TUESDAY, OCTOBER 19, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, BOWMAN, RILEY**

			<b>JMB</b>
1.	04-1207SI	United States v. Elijah Hayes	
	04-1385SI	United States v. Elijah Hayes	15
2.	04-1313SI	United States v. Joseph Dodd, etc.	15
3.	04-1480SI	United States v. Kenny Eugene Smart	15
4.	04-1223SI	United States v. Demarko Walker	10
5.	04-1338SI	United States v. Warren Babiar	10
6.	04-1576SI	United States v. Charles William Ray	10

**2:00 P.M. BEFORE JUDGES WOLLMAN, LAY, MELLOY**

			<b>SRD</b>
	04-1100EM	In re: AMDOCS Limited Securities Litigation Jerry Fields, etc., et al. v. AMDOCS Limited, et al.	15

**DIVISION I**

**\*\* EN BANC SESSION \*\***

**WEDNESDAY, OCTOBER 20, 2004, BEGINNING AT 9:00 A.M.**

**BEFORE JUDGES LOKEN, HEANEY, WOLLMAN, M. ARNOLD, MURPHY,  
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON  
SRD**

1.	03-1810WM	David Doran v. Dennis Eckold, etc., et al.	30
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**BEFORE JUDGES LOKEN, LAY, HEANEY, WOLLMAN, M. ARNOLD, MURPHY,  
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

2.	03-1293MN	James Terrell, etc., et al. v. Brek Andrew Larson, etc., et al.	30
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**BEFORE JUDGES LOKEN, MCMILLIAN, GIBSON, WOLLMAN, BEAM,  
M. ARNOLD, MURPHY, BYE, RILEY, SMITH, COLLOTON, GRUENDER, BENTON**

3.	99-4021MN	Republican Party of Minnesota, etc., et al. v. Suzanne White, etc., et al.	
	99-4025MN	Michael Maxim, etc. v. Suzanne White, etc., et al.	
	99-4029MN	Gregory F. Wersal, etc., et al. v. Suzanne White, etc., et al.	30

## **DIVISION I**

### **THURSDAY, OCTOBER 21, 2004, BEGINNING AT 9:00 A.M. BEFORE JUDGES LOKEN, MAGILL, BENTON**

**JAB**

1.	03-3306	Minnesota Licensed Practical Nurses Association v. National Labor Relations Board, et al.	15
2.	04-1952SD	United States v. Lavayne Jacobsen	15
3.	04-1257ND	United States v. Casey Scott Patten	15
4.	03-2270	Zahra A. Mohamed, et al. v. John Ashcroft, etc.	15
5.	03-3411ND	Gene Iverson v. Ingersoll-Rand Company, etc.	15

### **FRIDAY, OCTOBER 22, 2004, BEGINNING AT 8:30 A.M. BEFORE JUDGES LOKEN, MAGILL, BENTON**

**JAB**

1.	03-3676SD	Stonehill Financial, etc. v. Thornton Capital Advisors, Inc.	15
2.	03-3464	Martha Wondimu Alemu v. John Ashcroft, etc.	15
3.	03-3800	Yun Jin Jiang v. John Ashcroft, etc.	15
4.	03-3968MN	Robert S. Bloemer, et al. v. Northwest Airlines, Inc.	15
5.	03-3686	Saysana Naovaraj v. John Ashcroft, etc.	10

## **DIVISION II**

**MONDAY, OCTOBER 18, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MURPHY, HEANEY, BEAM**

**CYZ**

- |    |           |  |               |
|----|-----------|--|---------------|
| 1. | 04-1172MN | Triple Five of Minnesota, Inc., etc. v. Melvin Simon, et al.       |               |
|    | 04-1181MN | Triple Five of Minnesota, Inc., etc. v. Randolph Foxworthy, et al. |               |
|    | 04-2827MN | Triple Five of Minnesota, Inc., etc. v. Melvin Simon, et al.       |               |
|    | 04-2828MN | Triple Five of Minnesota, Inc., etc. v. Randolph Foxworthy, et al. | 35            |
| 2. | 03-2869MN | Patrick T. Manion, Jr. v. Boat Dealers' Alliance, Inc.             |               |
|    | 03-2870MN | Patrick T. Manion, Jr., et al. v. Alex Stirling, et al.            | 15            |
| 3. | 04-1579MN | Patrick T. Manion, Jr. v. Stephen E. Nagin, et al.                 |               |
|    | 04-1705MN | Stephen E. Nagin, et al. v. Boat Dealers' Alliance, Inc.           | 20            |
| 4. | 04-1211MN | United States v. Dale Robert Bach                                  | 15            |
|    | 03-1084EM | Phillip K. Smith v. City of Jennings, Missouri, etc., et al.       | <b>NO ARG</b> |
|    | 03-3720MN | United States v. Arteria Louise Watson                             | <b>NO ARG</b> |
|    | 04-1298WM | United States v. Edmundo R. Rosales                                | <b>NO ARG</b> |

**DIVISION II**

**TUESDAY, OCTOBER 19, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MURPHY, HEANEY, BEAM**

			<b>CYZ</b>
1.	03-4074NI	United States v. Allan Mugan	15
2.	04-1898NI	United States v. Chad A. Lloyd	15
3.	04-1220NI	United States v. Tony John Luker	15
4.	04-1452NI	United States v. United Security Savings Bank	15
5.	04-1927SI	United States v. Eriberto Melesio Briones	10
6.	04-1542SI	United States v. Santiago Gomez, etc.	15

**THERE WILL BE NO ARGUMENTS IN DIVISION II  
ON WEDNESDAY, OCTOBER 20, 2004.**

## **DIVISION II**

**THURSDAY, OCTOBER 21, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES M. ARNOLD, GIBSON, SMITH**

**CYZ**

		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
1.	04-2276	Joseph A. Blando, etc., et al. v. Steve Strange, etc., et al.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2285	Joseph A. Blando, etc., et al. v. Richard Thompson, et al.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2295	Joseph A. Blando, etc., et al. v. Meliza Aldea, et al.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2298	Joseph A. Blando, etc., et al. v. Stainless Systems, Inc.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2303	Joseph A. Blando, etc., et al. v. Steve Strange, etc., et al.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2307	Joseph A. Blando, etc., et al. v. James Edward Campbell, etc., et al.	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	
	04-2311	Joseph A. Blando, etc., et al. v. Paul Lamia	
		In re: Wireless Telephone Federal Cost Recovery Fees Litigation	<b>DISMISSED</b>
	04-2313	Joseph A. Blando, etc., et al. v. Daniels & Daniels, etc., et al.	30
2.	04-1444SI	Michael J. Flynn, Jr. v. Detective Michael Brown, et al.	15
3.	04-1263NI	Branimir Catipovic v. Iowa Beef Processors, Inc.	15
4.	04-1369SD	United States v. Edward E. Bordeaux, Jr.	15
5.	04-1370SD	United States v. Derwin K. Sharpfish, etc.	15



## **DIVISION II**

**FRIDAY, OCTOBER 22, 2004, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES M. ARNOLD, GIBSON, SMITH**

**CYZ**

- |    |           |  |                  |
|----|-----------|--|------------------|
| 1. | 03-3954ND | State of North Dakota, etc. v. Centers<br>for Medicare and Medicaid Services, et al.                             |                  |
|    | 03-4036SD | James W. Ellenbecker, etc., et al. v. Centers<br>for Medicare and Medicaid Services, et al.                      | 15               |
| 2. | 03-3852SD | Patrick Torres v. UNUM Life Insurance<br>Company of America  | 15               |
| 3. | 03-4028SD | LodgeNet Entertainment Corporation, etc.<br>v. American International Specialty Lines<br>Insurance Company, etc. | 15               |
| 4. | 03-3108MN | United States v. Gerald Phillip May, Jr.   | 10               |
| 5. | 03-2451MN | United States v. Gary Lee Wipf   | 20               |
|    | 03-2752MN | United States v. Gary Lee Wipf   | <b>DISMISSED</b> |

**DIVISION III**

**MONDAY, OCTOBER 18, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES COLLOTON, LAY, BENTON**

			<b>SRD</b>
1.	03-2708MN	Jason Albert Becht v. United States	15
2.	03-4077MN	Minnesota Citizens Concerned for Life, Inc., et al. v. Doug Kelley, et al.	20
3.	03-2287	Jacob Eta-Ndu, et al. v. John Ashcroft, etc.	15
4.	03-3989MN	Timothy Miller v. Northwestern Mutual Life Insurance Company, etc.	
	03-4001MN	Timothy Miller v. Northwestern Mutual Life Insurance Company, etc.	15
5.	03-3648NE	United States v. Martin Martinez-Noriega	15
6.	03-4012EA	Linda Bonebrake v. Larry Norris, etc.	15
	04-1722NE	United States v. Rodney Harrison	<b>NO ARG</b>
	04-1035WM	United States v. Pedro C. Baldovinos	<b>NO ARG</b>

**TUESDAY, OCTOBER 19, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES COLLOTON, LAY, GRUENDER**

			<b>SRD</b>
1.	04-1202SD	United States v. Bernard J. Drapeau, Jr.	15
2.	04-2020NI	United States v. Lonnie Maurice Hill	15
3.	04-1529SD	United States v. Robert Lee Chauncey	15
	04-2042NI	United States v. Travis Ziesman	<b>REMOVED</b>
4.	04-1037NI	United States v. Damon John Torres	10
5.	04-1293NI	United States v. Ann Victoria Ellefson	10

**DIVISION III**

**THERE WILL BE NO ARGUMENTS IN DIVISION III  
ON WEDNESDAY, OCTOBER 20, 2004.**

**THURSDAY, OCTOBER 21, 2004, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES BYE, BEAM, GRUENDER**

			<b>SRD</b>
1.	03-3888SI	Robert Eliserio v. United Steelworkers of America, et al.	
	03-3950SI	Robert Eliserio v. United Steelworkers of America, et al.	20
2.	03-1760	Jean Mouelle, et al. v. John Ashcroft, etc.	
	03-3086	Jean Mouelle, et al. v. John Ashcroft, etc.	15
	03-3831SI	CD Partners, LLC, et al. v. Jerry W. Grizzle, etc., et al.	<b>REMOVED</b>
3.	03-3426SI	United States v. Jason Neal Lighthall	15
	02-3825	Diana Mwangi v. John Ashcroft, etc.	<b>NO ARG</b>

**DIVISION III**

**FRIDAY, OCTOBER 22, 2004, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES BYE, LAY, GRUENDER**

**SRD**

- |    |           |   |    |
|----|-----------|---|----|
| 4. | 03-3291MN | Gas Aggregation Services, Inc., etc., et al.,<br>v. Howard Avista Energy, LLC, et al. |    |
|    | 03-3399MN | Gas Aggregation Services, Inc., etc., et al.,<br>v. Howard Avista Energy, LLC, et al. | 15 |
| 5. | 03-3917   | Diane S. Blodgett v. Commissioner of<br>Internal Revenue                              | 15 |
| 6. | 03-3321   | Socorro Guerra Soto v. John Ashcroft, etc.  | 15 |
| 7. | 03-3836MN | Travelers Indemnity Company of America<br>v. Canon U.S.A., Inc.                       | 15 |